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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

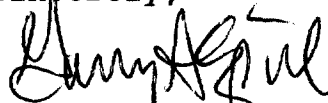
Re: Amendment of Section 73.606(b)
MM Docket No. 92-47 RM-7929
Table of Allotments,
TV Broadcast Stations,
(Bellingham and Anacortes, Washington)

Dear Ms. Searcy:

Transmitted herewith, on behalf of Prism Broadcasting Corporation ("Prism"), permittee of KBCB(TV), Channel 64 at Bellingham, Washington, is an original and four copies of its "Reply Comments in Support of Proposed Rule Making" in the above-reference matter.

Should any questions arise concerning this matter, please communicate with this office.

Sincerely,


Garry Spire, Esq.

GS/lr

Enclosure

cc w/enc: Michael C. Ruger, Acting Chief, Allocations Branch
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Before the ~~SECTION~~
Federal Communications Commission
Washington, D.C. 20554

MAY 26 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.606(b),) MM DOCKET NO. 92-47
Table of Allocations,) RM-7929
TV Broadcast Stations)
(Bellingham and Anacortes,)
Washington))

REPLY COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

Prism Broadcasting Company, Inc. ("Prism"), permittee of KBCB(TV), Channel 64, Bellingham, Washington, by counsel, hereby respectfully replies to comments on its Petition for Rulemaking that Section 73.606(b) of the Rules be amended as follows:

<u>Community</u>	<u>Channel No.</u>	
	<u>Delete</u>	<u>Add</u>
Bellingham, WA	64	24
Anacortes, WA	24	64

In that Petition, Prism additionally requested the concurrent modification of its construction permit for Station KBCB(TV) to specify operation on Channel 24. In addition to Comments filed by Prism, Comments were filed by Darlene C. Paglinawan McHenry ("McHenry") in opposition of the Petition. In support of the Petition and in opposition to McHenry's comments, the following is submitted:

KBCB(TV) WILL BE ABLE TO OPERATE WITH NO POWER LIMITATIONS

1. Prism incorporates by reference into these Reply Comments, the premises considered and arguments propounded in its

original Petition. As is recognized by the Commission, the public interest would be served because grant of this Petition will permit Station KBCB(TV) to operate at increased power.

2. If the Petition is granted, the Commission intends to simultaneously modify the construction permit of KBCB(TV) to specify operation on Channel 24 at Bellingham, Washington. Because the Commission does not intend to accept competing applications to KBCB(TV) for Channel 24 at Bellingham, Washington, if the Petition is granted, Prism, by the Petition and these Comments, is, in fact, applying de facto for the channel. Upon authorization of its construction permit for KBCB(TV) on Channel 24 at Bellingham, Washington, Prism presently intends to build the station promptly.

KBCB(TV) WILL BE ABLE TO SERVE MORE UNDERSERVED VIEWERS

3. McHenry charges the conclusion made by Donald S. Wilson in the Engineering Statement attached to the Petition that Channel 64 cannot operate at more than 1,000 kW effective radiated power in the direction of Canada. In fact, in that Engineering Statement, Mr. Wilson concludes that if the Petition is granted, Channel 64 will be more likely to be cleared to operate at more than 1,000 kilowatts ERP. The direction of the power is irrelevant. In fact, Channel 64's ERP is currently limited by treaty with Canada in all directions.

4. In response to Prism's Petition, which provides greater spectrum efficiency, McHenry characterizes Mr. Wilson's conclusions on current power limitations of 1,000 watt ERP as a

"bald statement." See McHenry Comments, ¶4. Yet McHenry later admits that its own consulting engineer has concluded that Prism could operate at a maximum power from its existing site, which is the main broadcast site in the market, of approximately 105 kW. See McHenry Comments, ¶7. McHenry attacks Prism's engineering credibility on the grounds that Prism is assuming a maximum effective radiated power of 1,000 kW, yet its own engineer can only assume a maximum allowable effective radiated power of 105 kW.

5. If Prism can operate KBCB at a higher effective radiated power, then more of the public will be served with a quality signal. McHenry's Comments attempt to twist the question, but the question is simple: What best serves the public interest?

LIMITING KBCB'S SIGNAL WILL NOT SERVE THE PUBLIC INTEREST

6. McHenry proposes that instead of the Commission amending the Table of Allotments to allow KBCB the clear mileage spacing requirements with Canadian facilities, the Commission should continue to require KBCB to be shortspaced with Canadian facilities, or, alternatively, to limit its broadcast site.

7. McHenry alleges that alternative locations are available from which KBCB can broadcast. See McHenry Comments, ¶6. Yet McHenry provides no clue of whether any alternative site is actually available for such use. As an LPTV broadcaster in the market who is authorized to operate from the main broadcast site in the market, McHenry is simply seeking to require KBCB to operate from an inferior site. See McHenry Comments, ¶1.

8. McHenry claims that if KBCB were to operate at 5,000 kW ERP from its present site on Channel 24 "very little coverage would be gained because of the rugged terrain." See McHenry Comments, ¶7. McHenry also states that the area is not densely populated, and therefore the people who live in the community are not important. In fact, most of the population within the service area of KBCB -- if it were operated at 5,000 kW effective radiated power on Channel 24 -- are served by only one other television station. This is precisely the public that can be significantly served by greater signal strength. Additionally, because of the rugged terrain, much of the population within the existing KBCB coverage area requires stronger signals to receive broadcast television.

McHENRY'S COMMENTS ARE BASED ON SELF INTEREST NOT PUBLIC INTEREST

9. McHenry claims that Prism's Petition is based on "sheer whimsy." See McHenry Comments, ¶8. Prism has clearly stated the reasons for its Petition, all of which are to better serve the public interest. Prism does not boldly claim that McHenry's Comments are based on "sheer whimsy," just old-fashioned self-interest. McHenry claims that it would be put through an "unnecessary hardship" if this Petition were granted because it would dislocate McHenry's LPTV station K24CX at Anacortes, Washington. In fact, the Commission has clearly and regularly stated that the LPTV service is a secondary service. Moreover, current Commission policy would allow McHenry to apply immediately to modify its construction permit for K24CX to

another available channel in the event that the Petition is granted. Several channels, including channel 64, are, in fact, available to McHenry for LPTV from the existing K24CX site. Because the K24CX is not presently on the air, it is preposterous that McHenry would claim any financial hardship.

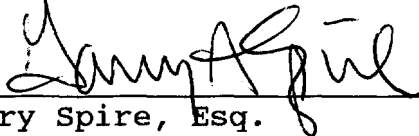
10. Finally, McHenry argues against the grant of the Petition on the grounds that she intends to apply for the full power channel 24 assignment at Anacortes, Washington, upon the lifting of the "freeze." McHenry's assumed proprietorship of this assignment should strike the Commission as presumptuous and wholly irrelevant.

WHEREFORE, the premises considered, Prism respectfully replies to the comments on its Petition for Rulemaking, and requests that Channel 24 be substituted for Channel 64 at Bellingham, that the construction permit of KBCB(TV) be modified to specify operation on Channel 24, and that Channel 64 be substituted for Channel 24 at Anacortes.

Respectfully submitted,

PRISM BROADCASTING CORPORATION

By


Garry Spire, Esq.

Its Attorney

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15 May 1992

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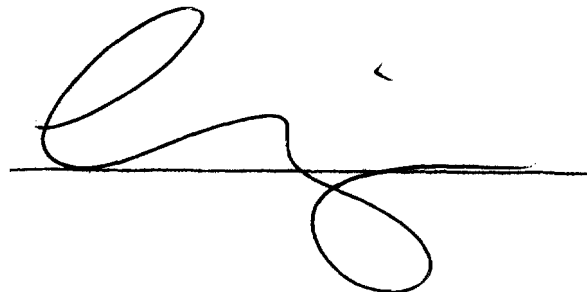
CERTIFICATE OF SERVICE

I, Lawrence Rogow, hereby certify that on this 15th day of May, 1992, I caused a copy of the foregoing Reply Comments in Support of Petition for Rulemaking to be served by United States Postal Service, first-class, postage prepaid, to:

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

Michael C. Ruger
Acting Chief, Allocations Branch
Policy and Rules Division
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Counsel to Darlene C. Paglinawan McHenry

A handwritten signature in black ink, appearing to be 'L. Rogow', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.